

## College Council: Policy and Procedure Review

11-14-2024

**BP 2015 Student Trustee** – CCLC 44 updated this legally required policy to add voting privileges for student members of the governing board and clarify the student member’s rights pursuant to changes in the Education Code. While the policy was presented to the Board for a first read in October, a more recent CCLC 45 update to this policy clarified the rights of a student member of the Board pursuant to changes in the Education Code. On November 6, the Board Policy Review Committee made additional edits to better distinguish legal requirements from discretionary Board actions in determining student trustee privileges.

**BP 2340 Agendas** - CCLC 45 updated this policy to update the usage note and to clarify the location where the District should post its physical agenda. The policy now includes optional language about time limits for public comments on items of business initiated by a member of the public. The Board Policy Review Committee added language to reference limitations on other public comments.

**AP 3435 Discrimination and Harassment Procedures** - This procedure was updated to align the deadline for complaints of discrimination, harassment, or retaliation in employment to the statute of limitations allowed under the Fair Employment and Housing Act. Complainant must file in three years, not 180 days.

**AP 5011 Admission of High School and Other Young Students** - The Service updated this procedure to add a legal citation and to revise language regarding College and Career Access Pathways (CCAP) pursuant to changes in the Education Code and in the Title 5 regulations. This is a 10 +1.

**AP 5030 Fees** - The Service updated this procedure to align with changes to the Education Code and revised Title 5 regulations.

**AP 6535 Use of District Equipment** - The Service updated this procedure to revise the reference to the ACCJC Accreditation Standard pursuant to the 2024 changes in the ACCJC Accreditation Standards. This procedure is also due as part of the regular review cycle.

**AP 7145 Personnel Files** - The Service updated this procedure to revise to clarify the records a district shall update to reflect an affirmed name and gender pursuant to changes in the Education Code

**AP 7150 Evaluation** - The Service updated this procedure to revise the reference to the ACCJC Accreditation Standard pursuant to the 2024 changes in the ACCJC Accreditation Standards. The Service also updated this procedure to align content to the ACCJC Accreditation Standard and add a usage note to clarify optional language.

**AP 7346 Employees Called to Military Duty** - The Service updated this procedure to align with language from the Uniformed Services Employment and Re-employment Rights Act of 1994 (“USERRA”), the Education Code, and the Military and Veterans Code.

In November, the following policies were revised with non-substantive changes, such as legal citations, new ACCJC citations, and updated online without going through the participatory review process. All have been reviewed and/or approved without changes by the responsible department areas and constituents.

- BP 1200 Mission
- BP 2010 Board Membership
- AP 2435 Evaluation of Superintendent/President
- AP 2712 Conflict of Interest Code
- AP 3050 Institutional Code of Ethics
- BP 3200 Accreditation
- AP 3200 Accreditation
- BP 3225 Memberships
- AP 3225 Memberships
- AP 3250 Institutional Planning
- BP 3260 Participation in Local Decision Making
- AP 3260 Participation in Local Decision Making
- BP 3280 Grants
- BP 3410 Nondiscrimination
- AP 3410 Nondiscrimination
- BP 3420 Equal Employment Opportunity
- AP 3420 Equal Employment Opportunity
- BP 3501 Campus Security and Access
- BP 4020 Program and Curriculum Development
- BP 4025 Criteria for Associate Degree
- BP 4030 Academic Freedom
- BP 4040 Library
- BP 4050 Articulation
- BP 5010 Admissions
- BP 5030 Fees
- BP 5040 Student Records and Directory Information
- BP 5050 Student Success Support Program
- BP 5110 Counseling
- BP 5130 Financial Aid
- BP 5420 Associated Students Organization Finance
- BP 5700 Athletics
- BP 6200 Budget Preparation
- BP 6300 Fiscal Management
- BP 6400 Financial Audits
- BP 6520 Security for District Property
- BP 7120 Employment Recruitment
- BP 7160 Professional Development

For current Board Policies and Administrative Procedures that are posted online please see [Policies & Procedures](#).

**Board of Trustees**

The Service updated this legally required policy to add voting privileges for student members of the governing board and clarify the student member's rights pursuant to changes in the Education Code.

Mici 7-10-2024

Approved. Jonathan E. 8-26-2024

CCLC 45 updated this policy to clarify the rights of a student member of the Board pursuant to changes in the Education Code. Mici 10-25-2024

Copy to Mia/GC 10-25-2024

Approved. Jonathan/President 10-28-2024

Board Policy Review Committee edits to clarify legal requirements from what is at the Board's discretion in determining student trustee privileges. 11-6-2024

**BP 2015          STUDENT TRUSTEE****Reference:**

Education Code Section 72023.5

The Board of Trustees shall include ~~a one~~ student member in addition to the publicly elected Board members. The term of office shall be one year commencing June 1.

- a) In accordance with Education Code Section 72023.5, the student member shall be enrolled in and maintain a minimum of five (5) semester units, or its equivalent, in the District at the time of nomination appointment and throughout the term of service. The student member is not required to give up employment with the District. The student shall:
- 1) be seated with the Board during open session portion of the meetings and shall be recognized as a full member of the Board at meetings;
  - 2) have the right to ~~attend and~~ participate fully in discussions of issues at all meetings of the Board of Trustees and receive all materials presented to members of the Board except, the student shall not have the right, or be afforded the opportunity to closed session materials or to attend closed sessions of the Board of Trustees;
  - 3) not be held liable for any acts of the Board of Trustees;
  - 4) be selected by an election held prior to May 15, run by the student government of the College, and shall be recalled only by a vote of the students enrolled in the College in accordance with procedures prescribed by the Board of Trustees;
  - 5) enrolled in the College for at least five semester units and shall meet and maintain the minimum standards of scholarship for community college students (2.0 GPA) throughout his/her their entire term;
  - ~~6) serve a one-year term commencing on June 1 of each year; and~~
  - 7) be entitled to a mileage allowance to the same extent as publicly elected Board members but is not entitled to any other compensation except by discretion of the Board of Trustees; and
  - 8) be entitled to one student parking pass per semester per ASCOM Bylaws.
- b) By discretion of the Board of Trustees, the student member may:
- 1) make and second motions; cast an "advisory vote" on any item immediately before the regular members of the Board cast votes, excluding personnel and legal matters;

- 2) The student member's advisory vote shall not be included in determining the vote required to carry any measure before the Board;
  - 3) receive compensation at the rate of 50% of the maximum amount of compensation authorized by Education Code Section 72425 as it now exists or may hereafter be amended;
  - 4) receive no other benefits or compensation from the District except as appears in section (a)(6) or (b)(2); ~~and~~
  - 5) participate in all phases of Board of Trustees evaluation procedures; ~~and~~
  - 6) contribute input to the evaluation of the Superintendent/President, but may not participate in any closed session meeting involving the Board's evaluation of the Superintendent/President.
- c) On or by May 15 of each year, the Board of Trustees shall adopt a resolution, which shall be effective until May 15 of the following year, to define the following privileges for the student trustee:
- 1) The student member may make and second motions at the discretion of the Board.
  - 2) The student member may receive compensation, at the discretion of the Board, up to the amount prescribed by law (see BP 2725 Board Member Compensation).
  - 3) The Board may determine whether the student member's term will commence on May 15 instead of June 1.

A student member may On or before May 15 of each year, the Board shall consider whether to afford the student member any of the following privileges:

- ~~The privilege to make and second motions at the discretion of the Board;~~
- ~~The privilege to attend closed sessions, other than closed sessions on personnel or collective bargaining matters;~~
- ~~The privilege to The student member may receive compensation, at the discretion of the Board, up to the amount prescribed by law. for meeting attendance at a level of 50% of the maximum amount of compensation authorized by Education Code Section 72425 as it now exists or may hereafter be amended (See BP 2725 Board Member Compensation).; and/or~~
- ~~The privilege to On or before May 15 of each year, the Board may determine if the student member's serve a term will commenceing on May 15 instead of on June 1.~~

The Board of shall, by May 15 of each year, adopt rules and regulations implementing this section. These rules and regulations shall be effective until May 15 of the following year.

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Date Adopted: December 8, 2009 *(Replaces College of Marin Policy 1.2011)*

Date Revised: March 19, 2013; May 16, 2017; November 13, 2018

**Date Revised:**

**Board of Trustees**

CCLC 45 updated this policy to update the usage note, clarify the location where the District should post its physical agenda, and add optional language about time limits for public comments on items of business initiated by a member of the public. Mici 10-25-2024  
Copy Mia/GC 10-25-2024  
Approved. Jonathan/President 10-28-2024  
Board Policy Review Committee recommended edits. 11-6-2024

**BP 2340 AGENDAS****References:**

Education Code Sections 72121 and 72121.5;  
Government Code Sections 54954 et seq. and 7920.000 et seq.

**General**

An agenda shall be posted ~~adjacent to the place of meeting~~ in a location physically accessible 24-hours per day, as well as on the District's Internet website at least seventy-two (72) hours prior to the meeting time for regular meetings. The agenda shall include a brief description of each item of business to be transacted or discussed at the meeting. If requested, the agenda shall be provided in appropriate alternative formats so as to be accessible to persons with a disability.

No business may be acted on or discussed which is not on the agenda, except when one or more of the following apply:

- a majority decides there is an "emergency situation" as defined for emergency meetings;
- two-thirds of the members (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action came to the attention of the Board of Trustees subsequent to the agenda being posted;
- an item appeared on the agenda of an adjourned meeting and was continued from a meeting held not more than five (5) days earlier.

**Board of Trustees and Superintendent/President**

The order of business may be changed by consent of the Board of Trustees.

The agenda for each regular and special meeting shall be prepared by the Superintendent/President and its contents approved by the Board Officers.

Any Board member may have an item placed upon the agenda for the next Board meeting by so informing the Board President and the Superintendent/President in writing at least fifteen (15) days prior thereto.

The agenda, together with all completed reports, shall be provided each Board member at least seventy-two (72) hours before each meeting.

The Superintendent/President shall establish administrative procedures that provide for public access to agenda information.

### **Public**

Members of the public may place matters directly related to the business of the District on an agenda for a Board meeting by submitting a written summary of the item to the Superintendent/President. The written summary must be signed by the initiator. The Board of Trustees reserves the right to consider and take action in closed session on items submitted by members of the public as permitted or required by law.

Agenda items submitted by members of the public must be received by the office of the Superintendent/President fifteen (15) working days prior to the regularly scheduled Board meeting.

Items initiated by members of the public shall follow items of business on the Board's agenda after those initiated by the Board of Trustees and by staff. Any agenda item submitted by a member of the public and heard at a public meeting cannot be resubmitted before the expiration of a one hundred eighty (180) ~~ninety (90)~~ day period following the initial submission. ~~Once an agenda item initiated by the member of the public is approved, Each member of the public will be allowed a maximum of ten (10) minutes to present or speak on the item of business the member of the public has initiated~~ this item will be allotted a maximum of ten (10) minutes total of presentation and/or comment by the person initiating the item and/or other members of the public. It is at the Superintendent/President and the Board Officers' discretion to limit the number of public items on any agenda, if any.

Public comments regarding items on the agenda will be heard immediately before the Board of Trustees' consideration of the item. (See BP 2350 Speakers).

Persons desiring to address the Board of Trustees on a matter of concern that is not stated on the agenda may do so during the public comment portion of the meeting. Public comment is limited to three (3) minutes per speaker and fifteen (15) minutes per topic. The law does not permit any action to be taken on, nor extended discussion of, any items not on the agenda. (See BP 2350 Speakers).

Also see BP 2355 Decorum/Conduct

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Date Adopted: July 21, 2009

Date Reviewed/Revised: June 20, 2017; October 17, 2023; October 15, 2024

**Date Revised:**

**General Institution**

This procedure was updated to align the deadline for complaints of discrimination, harassment, or retaliation in employment to the statute of limitations allowed under the Fair Employment and Housing Act. Complainant must file in three years, not 180 days. Mici 10-29-2024  
Approved. Nikki/HR 10-30-2024  
Copy to Mia/General Counsel 10-29-2024

**AP 3435      DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES****References:**

Education Code Sections 212.5, 231.5, 66281.5, and 67386;  
Government Code Section 12950.1;  
Title 5 Sections 59320, 59324, 59326, 59328, and 59300 et seq.;  
Title 2 Sections 11023 and 11024

For sexual harassment under Title IX, Complainants must proceed under *BP 3433 Prohibition of Sexual Harassment under Title IX*, *AP 3433 Prohibition of Sexual Harassment under Title IX*, and *AP 3434 Responding to Harassment Based on Sex under Title IX*. For other forms of sexual harassment or gender-based harassment, Complainants should use this procedure.

**Reporting and Filing Complaints**

The law prohibits coworkers, supervisors, managers, and third parties with whom an employee comes into contact from engaging in harassment, discrimination, or retaliation. Any person who has suffered harassment, discrimination, or retaliation or who has learned of harassment, discrimination, or retaliation may report harassment, discrimination, or retaliation. Complainants may have the option of filing a Complaint.

**Complaints**

A Complaint is a written and signed statement filed with the District or the California Community Colleges Chancellor's Office that alleges harassment, discrimination, or retaliation in violation of the District's Board Policies, Administrative Procedures, or in violation of state or federal law. An informal complaint is any of the following: (1) An unwritten allegation of harassment, discrimination, or retaliation; (2) a written allegation of harassment, discrimination, or retaliation that falls outside the timelines for a formal complaint; or (3) a written complaint alleging harassment, discrimination, or retaliation filed by an individual who expressly indicates that they do not want to file a formal complaint.

**Formal Complaints**

Formal Complaints must be filed with the Chancellor of the California Community Colleges or the Executive Director of Human Resources unless the Party submitting the Formal Complaint alleges discrimination, harassment, or retaliation against the responsible district officer, in which case it should be submitted directly to the Superintendent/President or the Chancellor of the California Community Colleges.

Formal Complaints should be submitted on the form prescribed by the Chancellor of the California Community Colleges. A copy of the form will be available at the District Human Resources Department or Student Services – Activities and Advocacy.

If any Party submits a written allegation of harassment, discrimination, or retaliation not on the form described above, the District will seek to have the individual complete and submit the form. However, if the individual chooses not to do so, the District will attach the written allegation(s) to the form and treat it as a Formal Complaint. In no instance will the District reject a written allegation of harassment, discrimination, or retaliation on the basis that it was not submitted on the proper form.

A Formal Complaint must meet each of the following criteria:

- It must allege facts with enough specificity to show that the allegations, if true, would constitute a violation of District policies or procedures prohibiting discrimination, harassment, or retaliation;
- The Complainant must sign and date the Formal Complaint;
- The Complainant must file any Formal Complaint not involving employment within one year of the date of the alleged discriminatory, harassing, or retaliatory conduct or within one year of the date on which the Complainant knew or should have known of the facts underlying the allegation(s) of discrimination, harassment, or retaliation.
- The Complainant must file any Formal Complaint alleging discrimination, harassment, or retaliation in employment within 180 days three years of the date of the alleged discriminatory, harassing, or retaliatory conduct, ~~except that this period shall be extended by no more than 90 days following the expiration of the 180 days if the Complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.~~

If the Formal Complaint does not meet the requirements set forth above, the Executive Director of Human Resources will notify the Complainant and within 14 days that the complaint does not contain allegations of unlawful discrimination that are sufficient under this procedure to trigger an investigation. The Executive Director of Human Resources will specify why the complaint is defective. If the sole defect is that the Formal Complaint was filed outside the applicable proscribed timeline, the Executive Director of Human Resources will handle the matter as an informal complaint.

If the defect is based on the Complainant's failure to state sufficient facts to support a claim of unlawful discrimination, the Executive Director of Human Resources shall offer the Complainant an opportunity to proffer additional facts to support their claims through an intake interview, which shall be scheduled as soon as reasonably convenient for the Complainant and Executive Director of Human Resources or designee.

If, after the intake interview, the Executive Director of Human Resources determines that the Complainant has still not stated sufficient facts to support a claim of unlawful discrimination, the Executive Director of Human Resources shall provide the Complainant with a written determination explaining the basis for dismissing the complaint within 14 days of the intake interview. The Executive Director of Human Resources must also notify the Complainant of their right to appeal this determination directly to the



Chancellor of the California Community Colleges within 30 days from the date of the notice of dismissal.

**Oversight of Complaint Procedure:** The Executive Director of Human Resources is the "responsible District officer" charged with receiving complaints of discrimination or harassment, and coordinating their investigation.

The investigation of complaints must be assigned by the Executive Director of Human Resources to a neutral investigator. A neutral investigator means an outside investigator or an internal investigator who is not in the chain of command of the respondent, not substantially implicated by the allegations in the complaint, and who is otherwise impartial. Neutral investigators must be properly trained to conduct such investigations.

**Who May File a Complaint:** Any student, employee, or third party who believes they have been discriminated against or harassed by a student, employee, or third party in violation of this procedure and the related policy.

**Where to File a Complaint:** A student, employee, or third party who believes they have been discriminated against or harassed in violation of these policy and procedures may make a complaint orally or in writing.

If a Complainant decides to file a formal written unlawful discrimination or harassment complaint against the District, they must file the complaint on a form prescribed by the California Community Colleges Chancellor's Office. These approved forms are available from the Executive Director of Human Resources and at the California Community Colleges Chancellor's Office website.

The completed form must be filed with any of the following:

- the Executive Director of Human Resources;
- Director of Student Services – Activities & Advocacy; or
- the California Community Colleges Chancellor's Office.

### **Employment-Related Complaints**

Complainants filing employment-related complaints shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or the California Civil Rights Department (CCRD).

Complaints filed with the EEOC or the CCRD should be forwarded to the California Community Colleges Chancellor's Office.

Any District employee who receives a harassment or discrimination complaint shall notify the Executive Director of Human Resources immediately.

**Filing a Timely Complaint:** Since failure to report harassment and discrimination impedes the District's ability to stop the behavior, the District strongly encourages anyone who believes they are being harassed or discriminated against, to file a complaint. The District also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination; the existence of a hostile, offensive or intimidating work environment, and acts of retaliation.

The District will investigate complaints involving acts that occur off campus if they are related to an academic or work activity or if the harassing conduct interferes with or limits a student's or employee's ability to participate in or benefit from the school's programs or activities.

**Communicating that the Conduct is Unwelcome:** The District further encourages students and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste or inappropriate.

**Intake and Processing of the Complaint:** Upon receiving notification of a harassment or discrimination complaint, the Executive Director of Human Resources or designee Director of Student Services – Activities & Advocacy or designee shall:

- Undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules; obtaining apologies; providing informal counseling, training, etc.
- Advise all Parties that they need not participate in an informal resolution of the complaint, as described above, and they have the right to end the informal resolution process at any time.
- Advise a student Complainant that they may file a complaint with the Office for Civil Rights of the U.S. Department of Education and employee Complainants may file a complaint with the California Civil Rights Department. All Complainants should be advised that they have a right to file a complaint with local law enforcement, if the act complained of is also a criminal act. The District must investigate even if the Complainant files a complaint with local law enforcement. In addition, the District should ensure that Complainants are aware of any available resources, such as counseling, health, and mental health services. The Executive Director of Human Resources or designee Director of Student Services – Activities & Advocacy or designee shall also notify the California Community Colleges Chancellor's Office of the complaint.
- Take interim steps to protect a Complainant from coming into contact with an accused individual, especially if the Complainant is a victim of sexual violence. The Executive Director of Human Resources or designee Director of Student Services – Activities & Advocacy or designee should notify the Complainant of their options to avoid contact with the accused individual and allow students to change academic situations as appropriate. For instance, the District may prohibit the accused individual from having any contact with the Complainant pending the results of the investigation. When taking steps to separate the Complainant and accused individual, the District shall minimize the burden on the Complainant. For example, it is not appropriate to remove Complainants from classes or housing while allowing accused individuals to remain.

## Investigation

The Executive Director of Human Resources or designee shall:

- Authorize the investigation of the complaint, and supervise or conduct a thorough, prompt, and impartial investigation of the complaint, as set forth below. Where the Parties opt for informal resolution, the designated officer will determine whether further investigation is necessary to ensure resolution of the matter and utilize the investigation process outlined below as appropriate. In the case of a formal complaint, the investigation will include interviews with the Complainant, the accused, and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct.
- Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.

**Investigation of the Complaint:** The District shall promptly investigate every complaint and claim of harassment or discrimination. No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes complaints involving activities that occur off campus and in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, on a District bus, or at a class or training program sponsored by the District at another location. The District shall promptly investigate complaints of harassment or discrimination that occur off campus if the alleged conduct creates a hostile environment on campus.

As set forth above, where the Parties opt for an informal resolution, the Executive Director of Human Resources may limit the scope of the investigation, as appropriate. The District will keep the investigation confidential to the extent possible but cannot guarantee absolute confidentiality because release of some information on a "need-to-know-basis" is essential to a thorough investigation. When determining whether to maintain confidentiality, the District may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the Complainant's age; whether there have been other harassment complaints about the same individual; and the accused individual's rights to receive information about the allegations if the information is maintained by the District as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15. The District will inform the Complainant if it cannot maintain confidentiality.

**Investigation Steps:** The District will fairly and objectively investigate harassment and discrimination complaints. Employees designated to serve as investigators under this policy shall have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the District's grievance procedures operate. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.

**Investigators will use the following steps:** interviewing the Complainant(s); interviewing the accused individual(s); identifying and interviewing witnesses and evidence identified by each Party; identifying and interviewing any other witnesses, if needed; reminding all individuals interviewed of the District's non-retaliation policy; considering whether any involved person should be removed from the campus pending

completion of the investigation; reviewing personnel/academic files of all involved Parties; reach a conclusion as to the allegations and any appropriate disciplinary and remedial action; and see that all recommended action is carried out in a timely fashion. When the District evaluates the complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that discrimination or harassment has occurred.

**Timeline for Completion:** The District will undertake its investigation promptly and swiftly as possible. To that end, the investigator shall complete the above steps, and prepare a written report within 90 days of the District receiving the complaint. The District will toll the timeline while the Parties are engaged in good faith efforts at informal resolution.

**Cooperation Encouraged:** All employees are expected to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a Complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is discovered that harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed. No employee will be retaliated against as a result of lodging a complaint or participating in any workplace investigation.

#### **Written Report**

The results of the investigation of a complaint shall be set forth in a written report that will include at least all of the following information:

- A description of the circumstances giving rise to the Formal Complaint;
- A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;
- A summary of the testimony provided by each witness with information relevant to the allegations the investigator interviewed;
- An explanation of why an identified potential witness was not interviewed;
- An analysis of relevant evidence collected during the course of the investigation, including a list of relevant documents;
- A specific finding as to whether there is probable cause to believe that discrimination, harassment, or retaliation occurred with respect to each allegation in the complaint;
- A table of contents if the report exceeds ten pages; and
- Any other information deemed appropriate by the District.

#### **Confidentiality of the Process**

Investigations are best conducted within a confidential climate. Therefore, the District does not reveal information about ongoing investigations except as necessary to fulfill its legal obligations. The District will keep the investigation confidential to the extent possible, but it cannot guarantee absolute confidentiality because release of some information on a “need-to-know-basis” is essential to a thorough investigation and to protect the rights of Accused students and employees during the investigation process and any ensuing discipline.

#### **Evidence of Past Sexual History**

An investigator or hearing officer, if required by this procedure, shall not consider the past sexual history of the Complainant or Respondent except in the limited circumstances described below:

- The investigator or hearing officer shall not consider prior or subsequent sexual history between the Complainant and anyone other than the Respondent for any reason unless directly relevant to prove that physical injuries alleged to have been inflicted by the Respondent were inflicted by another individual;
- The investigator or hearing officer shall not consider the existence of a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent unless the evidence is relevant to how the Parties communicated consent in prior or subsequent consensual sexual relations;
  - Where the investigator or hearing officer allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent pursuant to this circumstance, the mere fact that the Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.

Before allowing the consideration of any evidence proffered pursuant to this section, the investigator or hearing officer shall provide a written explanation to the Parties as to why consideration of the evidence is consistent with this procedure.

#### **Administrative Determination**

In any case not involving employment discrimination, within 90 days of receiving a formal complaint, the district shall complete its investigation and forward a copy of the investigative report to the Chancellor of the California Community Colleges, a copy or summary of the report to both Parties, and written notice setting forth all of the following to both the Complainant and the Chancellor:

- The determination of the Superintendent/President or designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
- A description of actions taken, if any, to prevent similar problems from occurring in the future;
- The proposed resolution of the complaint; and
- The Complainant's right to appeal to the District governing board and the Chancellor California Community Colleges.
- In matters involving student sexual misconduct, the Respondent's right to appeal to the District's Board of Trustees any disciplinary sanction imposed upon the Respondent.

In any case involving employment discrimination, within 90 days of receiving a formal complaint, the district shall complete its investigation and forward a copy or summary of the report to the Complainant, and written notice setting forth all the following to the Complainant:

- The determination of the Superintendent/President or designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
- A description of actions taken, if any, to prevent similar problems from occurring in the future;
- The proposed resolution of the complaint; and
- The Complainant's right to appeal to the district governing board and to file a complaint with California Civil Rights Department or the U.S Equal Employment Opportunity Commission.

The District shall also provide the Respondent the following:

- The Superintendent/President or their designee's determination as to whether unlawful discrimination occurred with respect to each allegation in the Complaint based on the

preponderance of the evidence standard and the basis for that determination including factual findings;

- The proposed resolution of the Complaint, including any disciplinary action against the Respondent; and
- In matters involving student sexual misconduct not subject to Title IX, the Respondent's right to appeal to the District's Board of Trustees any disciplinary sanction imposed upon the Respondent.

The District will toll the timelines described above while the Parties are engaged in good faith efforts at informal resolution.

In matters involving an academic employee placed on involuntary paid administrative leave, the District shall complete its investigation within 90 working days of the administrative leave commencing, unless the period of paid administrative leave is extended by agreement of the employee and District for a period not exceeding 30 additional calendar days.

#### **Discipline for Student Sexual Misconduct Not Subject to Title IX**

In a Complaint involving student sexual misconduct not subject to Title IX, if a student Respondent is subject to severe disciplinary sanctions, and the credibility of witnesses was central to the investigative findings, the District will provide an opportunity for the student Respondent to cross-examine witnesses indirectly at a live hearing, either in person or by videoconference, conducted by a neutral decision-maker other than the investigator.

In other Complaints involving sexual harassment against a student, the District shall decide whether a hearing is necessary to determine whether any sexual violence more likely than not occurred. In making this decision, the District may consider whether the Parties elected to participate in the investigation and whether each Party had the opportunity to suggest questions to be asked of the other Party and witnesses during the investigation.

The District shall appoint a neutral third party to attend the hearing solely for the purpose of asking any questions to the witnesses. The neutral third party shall not be the student Respondent, the student Respondent's representative, or any individual charged with making a final determination regarding discipline. The student Respondent may submit written questions before and during the cross-examination, including any follow-up questions. Either Party or any witness may request to answer the questions by videoconference from a remote location.

At the hearing, the other Party shall have an opportunity to note an objection to the questions posed. The District may limit such objections to written form, and neither the hearing officer nor the District are obligated to respond, other than to include any objection in the record. The hearing officer shall have the authority and obligation to discard or rephrase any question that the hearing officer deems to be repetitive, irrelevant, or harassing. In making these determinations, the hearing officer is not bound by, but may take guidance from, the formal rules of evidence.

Generally, the Parties may not introduce evidence, including witness testimony, at the hearing that the Party did not identify during the investigation and that was available at the time of the investigation. However, the hearing officer has discretion to accept for good cause, or exclude, such new evidence offered at the hearing.

The hearing officer shall provide an explanation of the meaning of the preponderance of the evidence standard, and affirm that it shall apply to adjudications under this procedure. The preponderance of the evidence standard is met if the District determines that it is more likely than not that the alleged misconduct occurred, based on the facts available at the time of the decision.

### **Discipline and Corrective Action**

If harassment, discrimination, or retaliation occurred in violation of the policy or procedure, the District shall take disciplinary action against the accused and any other remedial action it determines to be appropriate consistent with state and federal law. The action will be prompt, effective, and commensurate with the severity of the offense. Remedies for the Complainant might include, but are not limited to:

- providing an escort to ensure that the Complainant can move safely between classes and activities;
- ensuring that the Complainant and alleged perpetrator do not attend the same classes or work in the same work area;
- preventing offending third parties from entering campus;
- providing counseling services or a referral to counseling services;
- providing medical services or a referral to medical services;
- providing academic support services, such as tutoring;
- arranging for a student-Complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and
- reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant being disciplined.

If the District imposes discipline, the nature of the discipline will not be communicated to the Complainant. However, the District may disclose information about the sanction imposed on an individual who was found to have engaged in harassment when the sanction directly relates to the Complainant; for example, the District may inform the Complainant that the harasser must stay away from the Complainant.

Disciplinary actions against faculty, staff, and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

The District shall also take reasonable steps to protect the Complainant from further harassment, or discrimination, and to protect the Complainant and witnesses from retaliation as a result of communicating the complaint or assisting in the investigation.

The District will ensure that Complainants and witnesses know how to report any subsequent problems and should follow-up with Complainants to determine whether any retaliation or new incidents of harassment have occurred. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all Parties to the extent possible without impeding the District's ability to investigate and respond effectively to the complaint.

If the District cannot take disciplinary action against the accused individual because the Complainant refuses to participate in the investigation, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

### **Appeals**

If the District imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the decision using the procedure for appealing a disciplinary decision.

If the Complainant is not satisfied with the results of the administrative determination, they may, within 15 days, submit a written appeal to the Board of Trustees. The Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the Complainant and to the California Community Colleges Chancellor's Office. The Complainant shall also be notified of their right to appeal this decision.

The Board's review on appeal is limited to the following issues:

- whether there was a procedural error in violation of this procedure;
- whether there was a defect in the investigation;
- whether new evidence unavailable during the investigation despite the Complainant's due diligence would substantially impact the outcome of the investigation;
- whether correct legal standards were applied; and
- whether the District's determination was an abuse of discretion.

If the Board does not act within 45 days, the administrative determination shall be deemed approved and shall become the final decision of the District in the matter.

In any case not involving workplace discrimination, harassment, or retaliation, the Complainant shall have the right to file a written appeal with the California Community Colleges Chancellor's Office within 30 days after the Board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Title 5 Section 59350.

In any case involving employment discrimination, including workplace harassment, the Complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the California Civil Rights Department.

In any complaint dismissed pursuant to Title 5 Section 59332, a complainant may file a written appeal with the California Community Colleges Chancellor's Office within 30 days from the date of the notice of dismissal.

### **Extension of Time**



Within 150 days of receiving a formal complaint that does not involve employment discrimination, the District shall forward to the California Community Colleges Chancellor's Office the original complaint, the investigative report, a copy of the written notice to the Complainant setting forth the results of the investigation, a copy of the final administrative decision rendered by the Board or indicating the date upon which the decision became final, and a copy of the notification to the Complainant of ~~his/her~~ their appeal rights. If, due to circumstances beyond its control, the District is unable to comply with the 150-day deadline for submission of materials, it may file a written request for an extension of time no later than ten days prior to the expiration of the deadline.

The extension of time provisions described above do not apply to investigations involving an academic employee placed on involuntary paid administrative leave.

### **File Retention**

The District will retain on file for a period of at least three years after closing the case copies of:

- the original complaint;
- the investigatory report;
- the summary of the report if one is prepared;
- the notice provided to the Parties, of the District's administrative determination and the right to appeal;
- any appeal; and
- the District's final decision.

The District will make such documents available to the Chancellor of the California Community Colleges upon request.

### **Dissemination of Policy and Procedures**

District Policy and Procedures related to harassment will include information that specifically addresses sexual violence. District policy and procedures will be provided to all students, faculty members, members of the administrative staff and members of the support staff and will be posted on campus and on the District's website.

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee's personnel file. In addition, these policies and procedures are incorporated into the District's course catalogs and orientation materials for new students.

### **Training**

By January 1, 2021, the District shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees. All new employees must be provided with the training and education within six months of their assumption of his/her/their position. After January 1, 2021, the District shall provide sexual harassment training and education to each employee once every two years. An employee who received this training and education in 2019 is not required to have refresher training until after two years thereafter.

The training and education required by this procedure shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment, a review of “abusive conduct,” and harassment based on gender identity, gender expression, and sexual orientation. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. Supervisor’s harassment training must also address potential exposure and liability for employers and individuals, supervisor’s obligation to report sexual harassment, discrimination, and retaliation when they become aware of it, appropriate remedial measures to correct harassing behavior.

The District will maintain appropriate records of the training provided, including the names of the supervisory employees trained, the date of training, sign in sheets, copies of all certificates of attendance or completion issued, the type of training provided, a copy of all written or recorded training materials, and the name of the training provider. If the training is provided by webinar, the District will maintain a copy of the webinar, all written materials used by the training and all written questions submitted during the webinar, and document all written response or guidance the trainer provided during the webinar. The District will retain these records for at least two years.

The District should provide copies of the sexual harassment policies and training to all District law enforcement unit employees regarding the grievance procedures and any other procedures used for investigating reports of sexual violence.

In years in which a substantive policy or procedural change has occurred, all District employees will attend a training update or receive a copy of the revised policies and procedures.

Participants in training programs will be required to sign a statement that they have either understood the policies and procedures, their responsibilities, and their own and the District’s potential liability, or that they did not understand the policy and desire further training.

### **Education and Prevention for Students**

In order to take proactive measures to prevent sexual harassment and violence toward students, the District will provide preventive education programs and make victim resources, including comprehensive victim services, available. The District will include information in their orientation programs for new students, and in training for student athletes and coaches. These programs will include discussion of what constitutes sexual harassment and sexual violence, the District’s policies and disciplinary procedures, and the consequences of violating these policies. A training program or informational services will be made available to all students at least once annually.

The education programs will also include information aimed at encouraging students to report incidents of sexual violence to the appropriate District and law enforcement authorities. Since victims or third parties may be deterred from reporting incidents if alcohol, drugs, or other violations of District or campus rules were involved, the District will inform students that the primary concern is for student safety and that use of alcohol or drugs never makes the victim at fault for sexual violence. If other rules are violated, the District will address such violations separately from an allegation of sexual violence.

*Office of Primary Responsibility:* Human Resources, Student Learning and Success, Student Services – Activities and Advocacy

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Date Approved: November 6, 2008

Date Reviewed/Revised: January 15, 2013, September 15, 2015; April 19, 2022; September 19, 2023;  
May 21, 2024

**Date Revised:**

**Student Services**

The Service updated this procedure to add a legal citation and to revise language regarding College and Career Access Pathways (CCAP) pursuant to changes in the Education Code and in the Title 5 regulations.

**This is a 10 +1.** Mici 10-23-2024

Approved. Jon H./Enrollment 10-30-2024

Approved without changes. Cari/Instruction 10-30-2024

Copy to Dana/SLS 10-30-2024

Approved without changes. Academic Senate 11-7-2024

**AP 5011 ADMISSION AND CONCURRENT ENROLLMENT OF HIGH SCHOOL AND OTHER YOUNG STUDENTS****References:**

Education Code Sections 48800, 48800.5, 76001, and 76002;

Title 5 Section ~~55530 56700, and Board Policy 5010~~

The District authorizes the admission of special part-time and full-time minor students, who will benefit from advanced scholastic or vocational work and to help ensure a smoother transition from high school to college for students by providing them with greater exposure to the collegiate atmosphere.

The District retains the authority to restrict admission or enrollment of special part-time or full-time students in any session based on age, grade-level completion, current academic performance, or assessment and placement procedures in compliance with matriculation policies and procedures.

**I. Definitions**

- **Special Part-Time Student:** Any minor student (any elementary school, middle school, high school, or home-schooled student) who takes 11 or less community college course units during the Fall or Spring semesters and/or Summer Session(s) and meets certain eligibility standards.
- **Special Full-Time Student:** Any minor student (any elementary school, middle school, high school, or home-schooled student) who takes 12 or more community college course units during the Fall or Spring semesters and/or Summer Session(s) and meets certain eligibility standards.
- **Dual Enrollment or Concurrent Enrollment Student:** For purposes of this administrative procedure, the terms dual enrollment student and concurrent enrollment student are used interchangeably and defined as a student concurrently receiving both high school and college credit for the same course. Dual enrollment and concurrent enrollment students are a subset of special part-time or full-time students.

**II. Special Part-Time Students**

To be considered for admittance as a special part-time high school student, the student must meet the eligibility standards as established in Education Code Sections 48800 and 76001.

**Admission Procedures**

Admission is subject to seat availability. The student must submit to the Dean of Enrollment Services:

- College admissions application;
- College Credit Program (CCP) Form which includes:
  - a) Written and signed parental or guardian consent;

- b) Written and signed approval of the high school principal (NOTE: A parent or guardian of a student who is not enrolled in a public or private school may petition directly without the signature of a principal);
- c) Signature of a College of Marin counselor;
- Demonstration that the student is capable of profiting from instruction. The Dean of Enrollment Services or his/her/their designee has the authority to make the final decision whether a student can benefit from instruction; and
- Depending on the requested courses, students may be required to complete the appropriate College matriculation process prior to registration.

**Academic Eligibility**

- Students must meet the stated prerequisite and/or co-requisite requirements for the desired course.
- Students with a disability (verification to be provided by the school of attendance) may be referred to Disabled Student Programs and Services for accommodation.

**Limitations on Enrollment**

- For the first semester, students with a cumulative high school grade point average (GPA) lower than 3.0 may be allowed to enroll in one course. Students wanting to enroll in two courses must have earned a cumulative GPA of 3.0 or better.
- A special part-time student may enroll in up to, and including, 11 units per semester.
- Students may not initially enroll in any course numbered below 100.

**III. Special Full-Time Students**

To be considered for admission as a special full-time student, the student must meet the eligibility standards as established in Education Code Section 48800.5.

**Admission Procedures**

Admission is subject to seat availability. The student must submit to the Dean of Enrollment Services:

- A completed College admissions application;
- A completed College Credit Program (CCP) Form which includes:
  - a) Signature of the parent or guardian;
  - b) Signature of the high school principal. (Note: A student who is not enrolled in a public or private school does not need to provide written acknowledgment from his/her/their school principal);
  - c) Signature of a College of Marin counselor;
- Written approval of the governing board of the school district of attendance;
- Demonstration that the student is capable of profiting from instruction. The Dean of Enrollment Services or his/her/their designee has the authority to make the final decision whether a student can benefit from instruction; and
- Depending on the requested courses, students may be required to complete the appropriate College matriculation process prior to registration.

**Academic Eligibility**

- For all courses attempted students must meet the stated pre-requisite and/or co-requisite for the desired course.
- Students with a disability (verification to be provided by the school of attendance) may be referred to Disabled Student Programs and Services for accommodation.

**Limitations on Enrollment**

- Students are limited to 12 units for their first semester. For additional units, students must meet with a College of Marin counselor to complete the Petition to Carry Extra

Units. A counselor's signature must be on the Petition to be accepted by the Office of Admissions and Records.

- Students may not initially enroll in any course numbered below 100.

#### **IV. Summer Session Students**

To be considered for admission as a special summer session student, the student must meet the eligible standards as established in Education Code sections 48800 and 76001. Students will not be admitted unless they have availed themselves of all opportunities to enroll in equivalent courses at their schools of attendance.

The student must submit to the Dean of Enrollment Services:

- Written and signed parental or guardian consent;
- Signature of a College of Marin counselor; and
- Written and signed approval of his/her/their principal that the student has availed himself/herself/themself of all opportunities to enroll in an equivalent course at his/her/their school of attendance; and demonstration that the student has adequate preparation in the disciplines to be studied.

All required documents shall be sent to the Dean of Enrollment Services.

#### **V. High School Students**

For students attending high school, the Dean of Enrollment Services will review the materials, and will determine if the student has the abilities and sufficient preparation to benefit from instruction at a community college. The decision of the Dean of Enrollment Services shall be final. This determination may be done by evaluating the following criteria:

- A review of the materials submitted by the student;
- Meeting with the student and his/her/their parent or guardian;
- Consultation with appropriate college staff;
- Consideration of the welfare and safety of the student and others; or
- Consideration of local, state, or federal laws.

#### **VI. Middle and Lower School Students**

For students attending middle and lower schools, the determination shall be made by the Dean of Enrollment Services in conjunction with faculty. The school of attendance must provide transcripts and a letter signed by the principal indicating how in his/her/their opinion the student can benefit from instruction. The Dean of Enrollment Services and faculty will determine if the student has the abilities and sufficient preparation to benefit from instruction at a community college, and that the student's safety and that of others will not be affected.

The decision of the Dean of Enrollment Services and faculty to admit or deny admissions will be final. Once a decision has been made, the student, parent or guardian and school principal shall be informed of the decision. This determination may be made by evaluating the following criteria:

- A review of the materials submitted by the student;
- Meeting with the student and his or her parent or guardian;
- Consultation with a College of Marin counselor for matriculation;
- Consideration of the welfare and safety of the student and others;
- Consideration of local, state, or federal laws;
- Review of the content of the class in terms of sensitivity and possible effects on the minor;
- Requirements for supervision of the minor;
- Times the class(es) meet and the effect on the safety of the minor; or

- Instructor's recommendations.

**VII. Home Schooled Students**

In addition to meeting all the requirements as established in the above described procedures, home schooled students are required to provide an affidavit from the County Board of Education indicating they are legally home schooled or chartered.

**VIII. Course Rigor**

Courses in which high school and other young students are permitted to enroll will be open to the entire college population, and will be taught with the rigor appropriate to college-level courses in accordance with the approved course outline. Once enrolled, students must meet all standards for academic performance at the college level and conform to expectations of student conduct. The school of attendance retains the right to apply course credit.

**IX. Physical Education**

If the class is a physical education class, no more than 10 percent of the enrollment of the class may consist of special part-time or full-time students.

**X. Courses Open to the Public**

All classes must be open to the general public, and there may be limitations on the number of students who may enroll in a particular course. If the class is offered on a high school campus, the class may not be held during the time the campus is closed to the general public, as defined by the school board.

**XI. Appeals**

If a request for concurrent part-time or full-time enrollment is denied for a student who has been identified as highly gifted, the Board of Trustees shall provide written findings and reasons for the denial within 60 days. A recommendation regarding the request for admission and the denial shall be submitted to the Board of Trustees at a regularly scheduled meeting that falls at least 30 days after the request for admission has been submitted.

**XII. College and Career Access Pathways (CCAP)**

The Board of Trustees has adopted all the legal requirements of Education Code Section 76004 in order to participate in the College and Career Access Pathways (CCAP) partnership with the governing board of a school district or a county office of education for the purpose of offering or expanding dual enrollment opportunities for students who may not already be college bound or who are underrepresented in higher education, with the goal of developing seamless pathways from high school to community college for career technical education or preparation for transfer, improving high school graduation rates, or helping high school students achieve college and career readiness.

The District may enter into a CCAP partnership with a school district or a county office of education partner that is governed by a CCAP partnership agreement approved by the governing boards of both partners. As a condition of adopting a CCAP partnership agreement, the governing board of each partner, shall do both of the following:

- For career technical education pathways to be provided under the partnership, consult with and consider the input of the appropriate local workforce development board to determine the extent to which the pathways are aligned with regional and statewide employment needs. The governing board of each partner shall have final decision-

making authority regarding the career technical education pathways to be provided under the partnership; and

- Present, take comments from the public on, and approve or disapprove the dual enrollment partnership agreement at an open public meeting of the governing board of the district.

The CCAP partnership agreement shall be filed with the California Community Colleges Chancellor's Office and with the department before the start of the CCAP partnership, and shall:

- outline the terms of the CCAP partnership and shall include, but not necessarily be limited to, the total number of high school pupils to be served and the total number of full-time equivalent students projected to be claimed by the community college district for those pupils; the scope, nature, time, location, and listing of community college courses to be offered; and criteria to assess the ability of students to benefit from those courses.
- establish protocols for information sharing, in compliance with all applicable state and federal privacy laws, joint facilities use, and parental consent for high school students to enroll in community college courses. The protocols shall only require a high school pupil participating in a CCAP partnership to submit one parental consent form and principal recommendation for the duration of the pupil's participations in the CCAP partnership.
- identify a point of contact for the participating community college district and school district or county office of education partner.
- certify that any community college instructor teaching a course on a high school campus has not been convicted of any sex offense as defined in Education Code Section 87010 or any controlled substance offense as defined in Education Code Section 87011.
- certify that any community college instructor teaching a course at the partnering high school campus has not displaced or resulted in the termination of an existing high school teacher teaching the same course on that high school campus.
- certify that a qualified high school teacher teaching a course offered for college credit at a high school campus has not displaced or resulted in the termination of an existing community college faculty member teaching the same course at the partnering community college campus.
- include a plan by the participating community college district to ensure both of the following:
  - A community college course offered for college credit at the partnering high school campus does not reduce access to the same course offered at the partnering community college campus; and
  - Participation in a CCAP partnership is consistent with the core mission of the community colleges pursuant to Education Code Section 66010.4, and that students participating in a CCAP partnership will not lead to enrollment displacement of otherwise eligible adults in the community college.
- certify that both the school district and community college district partners comply with local collective bargaining agreements and all state and federal reporting requirements regarding the qualifications of the teacher or faculty member teaching a CCAP partnership course offered for high school credit.
- specify both of the following:
  - Which partner will be the employer of record for purposes of assignment monitoring and reporting to the county office of education; and



- Which partner will assume reporting responsibilities pursuant to applicable federal teacher quality mandates.
- certify that any pretransfer-level course taught by community college faculty at a partnering high school campus shall be offered only to high school pupils who do not meet their grade level standard in math, English, or both on an interim assessment in grade 10 or 11, as determined by the partnering school district, and shall involve a collaborative effort between high school and community college faculty to deliver an innovative pretransfer course as an intervention in the pupil's junior or senior year to ensure that the pupil is prepared for college-level work upon graduation.

A community college district participating in a CCAP partnership shall not provide physical education course opportunities to high school students or any other course opportunities that do not assist in the attainment of at least one of the following goals:

- developing seamless pathways from high school to community college for career technical education or preparation for transfer;
- improving high school graduation rates; or
- helping high school students achieve college and career readiness.

The District will not enter into a CCAP partnership with a school district or county office of education within the service area of another community college district , except where an agreement exists, or is established, between those community college districts authorizing that CCAP partnership.

A high school student enrolled in a course offered through a CCAP partnership shall not be assessed any fee that is prohibited by Education Code Section 49011.

The District ~~may~~ shall assign priority for enrollment and course registration to a student seeking to enroll in a community college course that is required for the student's CCAP partnership program that is equivalent to the priority assigned to a student attending a middle college high school as described in Education Code Section 11300 and consistent with middle college high school provisions in Education Code Section 76001. Units completed by a pupil pursuant to a CCAP agreement may count towards determining a pupil's registration priority for enrollment and course registration at a community college.

The District may limit enrollment in a community college course solely to eligible high school students if the course is offered at a high school campus, either in person or using an online platform, during the regular school-day and the community college course is offered pursuant to a CCAP partnership agreement.

The District may allow a special part-time student participating in a CCAP partnership agreement established pursuant to this article to enroll in up to a maximum of 15 units per term in courses offered at the community college campus or the participating high school campus, if all of the following circumstances are satisfied:

- The units constitute no more than four community college courses per term;
- The units are part of an academic program that is part of a CCAP partnership agreement established pursuant to this article; and
- The units are part of an academic program that is designed to award students both a high school diploma and an associate degree or a certificate or credential.

The governing board of the District exempts ~~special part-time~~ students seeking to enroll in a community college course required for the student's CCAP partnership program from the following fee requirements:

- Student representation fee (Education Code Section 76060.5);
- Nonresident tuition fee and corresponding permissible capital outlay fee or processing fee (Education Code Section 76140);
- Transcript fees (Education Code Section 76223);
- Course enrollment fees (Education Code Section 76300);
- Apprenticeship course fees (Education Code Section 76350); and

The District participating in a CCAP partnership agreement shall enroll high school pupils in any course that is part of a CCAP partnership agreement offered at a community college campus. Courses offered through the CCAP program may be offered at the community college campus or the participating high school campus.

The District or county office of education shall not receive a state allowance or apportionment for an instructional activity for which the partner has been, or shall be, paid an allowance or apportionment.

The attendance of a high school pupil at a community college as a special part-time or full-time student pursuant to this section is authorized attendance for which the community college shall be credited or reimbursed pursuant to Education Code Section 48802 or 76002, provided that no school district or county office of education has received reimbursement for the same instructional activity. For purposes of calculating classroom-based average daily attendance for classroom-based instruction apportionments, at least 80 percent (80%) of the instructional time offered by a charter school pursuant to an authorized CCAP partnership agreement shall be at the school site, and the charter school shall require the attendance of a pupil for a minimum of 50 percent (50%) of the minimum instructional time required to be offered pursuant to paragraph (1) of subdivision (a) of Education Code Section 47612.5, if the pupil is also a special part-time student enrolled in a community college pursuant to this section and the pupil will receive academic credit upon satisfactory completion of enrolled courses.

For each CCAP partnership agreement entered into pursuant to this section, the District shall report annually to the California Community Colleges Chancellor's Office, the Legislature, the Director of Finance, and the Superintendent all of the following information:

- The total number of high school students by school site enrolled in each CCAP partnership, aggregated by gender and ethnicity, and reported in compliance with all applicable state and federal privacy laws.
- The total number of community college courses by course category and type and by school site enrolled in by CCAP partnership participants.
- The total number and percentage of successful course completions, by course category and type and by school site, of CCAP partnership participants.
- The total number of full-time equivalent students generated by CCAP partnership community college district participants.

- The total number of full-time equivalent students served online generated by CCAP partnership community college district participants.

**XIII. Location of Information**

Current information regarding the procedures for application, admission, and enrollment of high school students is available on the College of Marin website at <http://www.marin.edu>.

[Also see Board Policy 5010 Admissions](#)

*Office of Primary Responsibility:* Student Learning and Success

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Date Approved: June 22, 2010

Reviewed/Revised: August 21, 2012; February 21, 2017; May 17, 2022; October 17, 2023

**Revised:**

**Student Services**

The Service updated this procedure to align with changes to the Education Code and revised Title 5 regulations. **This is a 10+1.** Mici 10-30-2024

Approved. Jon H/Enrollment 10-30-2024

Approved without changes. Academic Senate 11-7-2024

**AP 5030 FEES****References:**

Education Code Sections 66025.3, 68120, 70902 subdivision (b)(9), 76300, and 76300.5;  
Title 5 Sections 51012, 58520, and 58629;  
California Community Colleges Chancellor's Office (CCCCO) Student Fee Handbook; and  
ACCJC Accreditation Standard I.C.6

The payment of certain fees may be deferred upon selection of a payment plan.

**Required fees include:**

- **Enrollment Fees** (Education Code Section 76300 and 76300.5; Title 5 Sections 58500 and 58509)
- **Baccalaureate degree pilot program fees** (Title 5 Section 58520)
- **Non-resident Tuition** with these permissive exemptions (Education Code Sections 76140 and 76140.5):
  - All non-resident students enrolling in six or fewer units; or
  - A student who is a citizen and resident of a foreign country who demonstrates financial need and this required exemption (Education Code Section 68130.5);
  - All students, other than persons excluded from the term "immigrant" for the purposes of the federal Immigration and Nationality Act nonimmigrant aliens under (8 U.S. Code Section 1101(a)(15)), who meet the following requirements:
    - high school attendance in California for three or more years;
    - graduation from a California high school or attainment of the equivalent thereof;
    - registration or enrollment in a course offered for any term commencing on or after January 1, 2002;
    - filing a California Nonresident Tuition Exemption Request form with the District or in the case of students applying for state-based financial aid, by filing a California Dream Act Application (CADAA) with the California Student Aid Commission completion of a questionnaire form prescribed by the State Chancellor's Office verifying eligibility for this nonresident tuition exemption; and
    - in the case of a student without lawful immigration status undocumented persons, the filing of an affidavit that the student has filed an application to legalize his/her/their immigration status, or will file an application as soon as he/she/they is eligible to do so.

- A nonresident student who enrolls in a credit English as a Second Language (ESL) course at the district and who is any of the following:
  1. A recent immigrant, as defined in 8 U.S. Code Section 1101(a)(15);
  2. A recent refugee, as defined in 8 U.S. Code Section 1101(a)(42); or
  3. A person who has been granted asylum by the United States, as defined in 8 U.S. Code Section 1158.

This exemption applies only to individuals who, upon entering the United States, settled in California and who have resided in California for less than one year. This exemption applies only to the tuition fee for credit ESL courses.

- **Student representation** (Education Code Section 76060.5; Title 5 Section 54805)

**Fees authorized by law include:**

- Non-District physical education facilities (Education Code Section 76395)
- Non-credit courses (Education Code Section 76385)
- Community service courses (Education Code Section 78300)
- Auditing of courses (Education Code Section 76370)
- Instructional materials (Education Code Sections 73365, 81457, and 81458; Title 5 Sections 5940059408)
- Athletic insurance (Education Code Section 70902(b)(9))
- Cross-Enrollment with CSU or UC (Education Code Section 66753)
- Health (Education Code Section 76355)
- Parking (Education Code Section 76360)
- Transportation (Education Code Sections 76361 and 82305.6)
- Student Center (Education Code Section 76375; Title 5 Section 58510)
- Copies of student records (Education Code Section 76223)
- Child care (Education Code Sections 79121 et seq. and 66060)
- Non-resident capital outlay (Education Code Section 76141)
- Non-resident application processing (Education Code Section 76142)
- Credit for Prior Learning (Education Code Section 76300; Title 5 Section 55753)
- Use of facilities financed by revenue bonds (Education Code Section 81901(b)(3))
- Refund processing (Title 5 Section 58508)
- Telephone registration (Education Code Section 70902(a))
- Physical fitness test (Education Code Section 70902(b)(9))
- Instructional Tape Lease/Deposit (Education Code Section 70902(b)(9))
- Credit Card Use (Education Code Section 70902(b)(9))
- International Student Medical Insurance (Education Code Section 70902(b)(9))

Fees authorized by the California Community College Chancellor's Office (CCCCO) Student Fee Handbook:

- Optional student activities fee (CCCCO Student Fee Handbook)
- Technology Fee (CCCCO Student Fee Handbook)

**Prohibited fees include:**

- Late application (CCCCO Student Fee Handbook)
- Add/drop (CCCCO Student Fee Handbook)
- Mandatory student activities (CCCCO Student Fee Handbook)
- Student Identification Cards (CCCCO Student Fee Handbook)
- Student Body Organization (CCCCO Student Fee Handbook)

- Non-resident application (CCCCO Student Fee Handbook)
- Field trip (Title 5 Sections 55450 and 55451)
- For dependents of certain veterans (Education Code Section 66025.3)
- For dependents of certain victims of the September 11, 2001 terrorist attacks. (CCCCO Student Fee Handbook)
- For certain recipients of the Medal of Honor and certain children of the recipients of the Medal of Honor (Education Code Section 66025.3)
- For surviving spouses and children of a firefighter employed by the federal government whose duty assignment involved the performance of firefighting services in California (Education Code Section 68120)
- For students who have been exonerated of a crime though writ of habeas corpus or pardon that meet certain conditions (Education Code Section 69000)
- Required or funded services (CCCCO Student Fee Handbook)
- Refundable deposits (CCCCO Student Fee Handbook)
- Distance education (other than the statutorily authorized enrollment fee) (CCCCO Student Fee Handbook)
- Mandatory mailings (CCCCO Student Fee Handbook)
- Rental of practice rooms (CCCCO Student Fee Handbook)
- Apprenticeship courses (Education Code Section 76350)
- Late payment fee (Title 5 Sections 58502 and 59410)
- Nursing/healing arts student liability insurance (Title 5 Section 55234)
- Cleaning (CCCCO Student Fee Handbook)
- Breakage (CCCCO Student Fee Handbook)
- Test proctoring (CCCCO Student Fee Handbook)

### **Collection of Fees (Credit Classes)**

Marin Community College District requires students to pay all fees at the time of enrollment; students will be dropped from classes for non-payment of fees. If students are unable to pay their fees, they should apply for federal financial aid, apply for the Board of Governors Fee Waiver, or enroll in an inexpensive payment plan offered through the District in order to prevent being dropped from classes. Designated groups of students may be exempted from a drop for non-payment, such as Foster Youth, certified Veterans and others through the College petition process.

Students will be dropped for non-payment on identified common drop dates as determined each term and published in the schedule of classes, on-line and in the catalog.

Optional fees (e.g. student activities fee) shall be assessed at the time of registration. Students may decline payment of optional fees by completing the Optional Fee Waiver Form (available on the District website and at the Cashier's Office) and submitting the form to the Cashier's Office within two weeks of the start of instruction.

### **Fees Collected in Error**

Fees collected in error will be credited to the student's account with the amount collected in error.

### **Refunds**

The District shall automatically credit the following fees to the student's account:

- **Enrollment Fees: (Title 5 Section 50508)**

Enrollment fees paid by a student for program changes made during the first two weeks of instruction for a primary term-length course or by the ten percent point of the length of a course for short-term a course.

The District is prohibited by law to authorize a refund of any enrollment fee paid by a student for program changes made after the first two weeks of instruction for a primary term-length course or after the ten percent point for the length of the course for a short-term course, unless the program change is a result of action by the District to cancel or reschedule a class or to drop a student pursuant to Title 5 Section 55202(g) where the student fails to meet a prerequisite.

In addition, enrollment fees shall be credited to the student's account for program changes as a result of action taken by the District to cancel or reschedule a class or to drop a student pursuant to Title 5 Section 55202(g) where a student fails to meet a prerequisite.

- **Non-resident and International Student Tuition:**  
Non-resident or international student tuition paid by a student for program changes made during the first two weeks of instruction for a primary term-length course or by the ten percent point for the length of course for short-term courses shall be refunded.
- **District Cancelled Classes**  
For district cancelled classes, the student will automatically receive a credit in their account after the third week of instruction.
- Fees refundable because of changes in law or regulation authorizing and establishing enrollment fees

The District shall refund the following fees upon the student filing a Refund Request Form:

- **Community Services Fees:**  
Community services fees paid by a student for classes dropped at least three business days prior to the class start date.
- **Health Fees:**  
Health fees paid by the student only if the District took action to cancel or reschedule a class(es) for which the student was enrolled and the student has no other enrollment for the term.
- **Parking Fees:**  
Parking fees paid by the student may be refunded under the following conditions:
  - The District has taken action to cancel a course for which the student was enrolled and the student has no other enrollment for the term in credit, non-credit, community education, or emeritus college courses.
  - The student has dropped all courses on or before the last day to qualify for an enrollment/tuition fee refund.
  - The student has dropped all courses by the ten percent point of the length of a course for a short-term course.

**NOTE:** The parking permit sticker must be returned to the Cashier's Office when making the request for a refund.

- **Student Technology, Representation and Activities Fee:**

The student representation fee paid by the student shall be credited to their account only if the District took action to cancel or reschedule a class(es) for which the student was enrolled and the student has no other enrollment in the term. Other fees paid by the student would also be credited to their account.

- **Refund Processing Fee (Title 5 Section 58508):**

A \$10 per semester refund processing fee and any outstanding balance due the District will be deducted from all refunds. No refund processing fee will be charged for action taken by the District to cancel or reschedule a class for which the student was enrolled. The refund processing fee applies to students who drop classes within the published deadline dates and who have not paid their fees.

**Waiver of Fees**

The District may waive enrollment fees which were not collected in a previous term where the enrollment fees were not collected as a result of the District's error in awarding a Board of Governors Fee Waiver to an ineligible student and not through the fault of the student, and to collect the enrollment fee would cause the student undue hardship.

**Exemption of Fees for CCAP agreement students (AB288)**

The District may exempt students from the payment of enrollment and enrollment-related fees when the student is enrolled in a class or classes, at their respective high school as part of an official CCAP agreement MOU with College of Marin.

*Also see BP/AP 4040 Library and Other Instructional Support Services*

*Offices of Primary Responsibility:* Enrollment Services – Fees; Fiscal Services – Payments and Refunds

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Approved: October 19, 2010

Reviewed/Revised: March 19, 2013; November 15, 2016; November 17, 2020; May 17, 2022;  
November 14, 2023

**Revised:**



**Business and Fiscal Affairs**

The Service updated this procedure to revise the reference to the ACCJC Accreditation Standard pursuant to the 2024 changes in the ACCJC Accreditation Standards. This procedure is also due as part of the regular review cycle. Mici 10-23-24

Approved without edits. Eresa/Admin Svcs 10-31-2024

**AP 6535 USE OF DISTRICT EQUIPMENT**

**Reference:**

Education Code Section 70902

ACCJC Accreditation Standards ~~III.B.3 and III.C.4.~~ 3.8

Each member of the District staff shall be responsible for equipment under ~~his or her~~ their control. Loss of equipment and unauthorized removal of equipment should be reported immediately to the appropriate administrator.

Equipment that is lost or stolen may be replaced upon submission of a request through the appropriate administrative office. The request must include an explanation about the loss or theft of the equipment and a justification that replacement is essential to the activity served.

District equipment shall not be loaned to persons not employed by or enrolled in the District.

Equipment shall only be removed from campus with proper authorization(s).

*Offices of Primary Responsibility: Administrative Services*

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Date Approved: April 21, 2009

Date Reviewed/Revised: July 18, 2017

**Date Reviewed:**

## Human Resources

The Service updated this procedure to revise to clarify the records a district shall update to reflect an affirmed name and gender pursuant to changes in the Education Code. Mici 10-23-24

Approved. Nikki/HR 10-28-2024

**AP 7145 PERSONNEL FILES****References:**

Education Code Section 87031;

Labor Code Section 1198.5

Personnel records are private, accurate, complete, and permanent.

Every employee has the right to inspect personnel records pursuant to the Labor Code.

Information of a derogatory nature shall not be entered into an employee's personnel records unless and until the employee is given notice and an opportunity to review and comment on that information. The employee shall have the right to enter, and have his/her/their own comments attached to any derogatory statement. The review shall take place during normal business hours and the employee shall be released from duty for this purpose without salary reduction.

The employee shall not have the right to inspect personnel records at a time when the employee is actually required to render services to the District.

Nothing in this procedure shall entitle an employee to review ratings, reports, or records that (a) were obtained prior to the employment of the person involved, (b) were prepared by identifiable examination committee members, or (c) were obtained in connection with a promotional examination or interview.

The Superintendent/President shall implement a system by which staff and faculty can declare an affirmed name, gender, or both name and gender identification to be used in their records where legal names are not required by law. Upon the request of a staff or faculty member, the District shall update any records for the individual to include the affirmed name, gender, or both name and gender identification. The records that shall be updated include but are not limited to District-issued email addresses, employee identification cards, class rosters, official and unofficial transcripts, diplomas, certificates of completion of courses, or similar records.

Documents shall be kept in the Human Resources Department, as appropriate, with the exception of some payroll, leave records, and statistical and financial accounting data, including academic employee assignments which may be stored in the District's computer system.

Refer to the current collective bargaining agreement for the applicable employee group.

*Office of Primary Responsibility:* Human Resources

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Approved: February 12, 2009

Reviewed/Revised: April 16, 2019; September 19, 2023  
**Revised:**

## Human Resources

The Service updated this procedure to revise the reference to the ACCJC Accreditation Standard pursuant to the 2024 changes in the ACCJC Accreditation Standards. The Service also updated this procedure to align content to the ACCJC Accreditation Standard and add a usage note to clarify optional language. Mici 10-23-2024  
Approved. Nikki/HR 10-28-2024

**AP 7150      EVALUATION****References:**

ACCJC Accreditation Standard ~~III.A.5~~ 3.3

~~The District assures the effectiveness of its human resources by evaluating all personnel systematically and at stated intervals. The District establishes written criteria for evaluating all personnel. The District evaluates its employees regularly, using clear criteria that align with professional responsibilities and reflect the District's mission and goals.~~ The evaluation process assesses the effectiveness of personnel and encourages improvement. Actions taken following evaluations are formal, timely and documented.

The Human Resources Department maintains current forms and procedures for evaluation. These forms and processes are maintained on the Human Resources website and employee portal. Further information regarding evaluation of represented employees can be found in the respective collective bargaining agreements.

Management employees will be evaluated annually or more frequently at the discretion of the District. Step advancement on the management salary schedule is not automatic and is based on serving a minimum of one year in the position, merit as determined by the annual employee evaluation, and upon recommendation of the President/Superintendent. Step advancements shall be granted on July 1 on the condition that the employee receives a satisfactory performance evaluation.

Supervisory and Confidential employees will be evaluated annually after successfully completing a six-month one-year probationary period or more frequently at the discretion of the District.

*See also* BP 7150 Evaluation.

*Office of Primary Responsibility:* Human Resources

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Date Adopted: May 17, 2016

Date Reviewed/Revised: November 13, 2018; March 14, 2023

**Date Revised:**

**Human Resources**

The Service updated this procedure to align with language from the Uniformed Services Employment and Re-employment Rights Act of 1994 ("USERRA"), the Education Code, and the Military and Veterans Code. Mici 10-23-2024

Approved. Nikki/HR 10-28-2024

**AP 7346 EMPLOYEES CALLED TO MILITARY DUTY****References:**

Education Code Sections 87018, 87700, 87832, and 88116;  
38 U.S. Code Sections 4301 et seq. ;  
Military and Veteran's Code Sections 389 et seq.

The following applies to any District employee, academic or classified, who enters the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of any branch of the military service, during any period of national emergency declared by the President of the United States or during any war in which the United States of America is engaged.

**Leave**

Upon presentation of a copy of orders for active duty in the Armed Forces, the National Guard, or the Naval Militia, the District shall grant a military leave of absence for the period of active duty specified in the orders, but not to exceed five years for a permanent, probationary, or exempt employee, or for the remainder of a limited-term employee's appointment or a temporary employee's appointment.

**Salary**

Any District employee called to active duty who has been in the service of the District for at least one year will continue to receive his/her salary for the first thirty (30) calendar days of ordered military service. Employees who are members of the National Guard will continue to receive salary for the first thirty (30) calendar days of active service regardless of length of service with the District.

In addition, the District may provide for not more than 180 calendar days as part of the employee's compensation all of the following:

- The difference between the amount of his or her military pay and allowances and the amount the employee would have received as an employee, including any merit raises that would otherwise have been granted during the time the individual was on active military duty.
- All benefits that he or she would have received had he or she not been called to active military duty unless the benefits are prohibited or limited by vendor contracts.
- Employees returning from military leave shall have their salary adjusted to reflect salary increases that are not based on merit.

**Health Benefits**

An employee on military leave for less than thirty-one (31) days shall continue to receive health insurance benefits.

Employees on leave for longer than thirty (30) days may elect to continue health care coverage for themselves and their eligible dependents for a maximum period of twenty-four (24) months.

Returning veteran employees whose coverage was terminated because of military leave will not be subject to any exclusion or waiting period prior to reinstatement of health coverage.

### **Vacation and Sick Leave**

Employees on military leave accrue any benefits the District provides to other employees, e.g. if employees on other approved leaves are permitted to accrue vacation or sick leave, employees on military leave will do so as well.

Employees on military leave shall accrue any benefits afforded by any collective bargaining agreement negotiated during their absence.

Any employee on temporary military leave for training who has worked for the District for at least one year shall continue to accrue vacation, sick leave, and holiday privileges up to a maximum period of 180 days.

### **Reinstatement**

An employee on active duty military leave due to a national emergency declared by the President of the United States or a war in which the United States is engaged shall be entitled to return to the position held by him or her at the time of his/her entrance into the service within six months after the employee honorably leaves the service or is placed on inactive duty.

An employee on active duty military leave for any other reason shall be reinstated in accordance with state and federal laws.

In the case of a contract academic employee, absence on military leave due to a national emergency declared by the President of the United State or a war in which the United States is engaged shall not count as part of the service required for the acquisition of tenure, but the absence shall not be construed as a break in the continuity of service. If the employee was employed by the District under a lawful contract for ~~more than~~ a period in excess of one year, but had not yet become a regular academic employee of the District, he or she is entitled to return to the position for the period of time his or her contract of employment had to run at the time he/she entered military service.

In the case of an academic employee, absence on military leave due to a national emergency declared by the President of the United States or during any war in which the United States is engaged shall not be construed as a break in the continuity of service.

In the case of a classified employee, absence on military leave due to a national emergency declared by the President of the United States or during any war in which the United States is engaged shall not be construed as a break in the continuity of service.

Also refer to appropriate collective bargaining agreements.

*Office of Primary Responsibility:* Human Resources

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Date Approved: November 18, 2011

Date Reviewed/Revised: November 17, 2020

**Date Revised:**